

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Law Offices of Peter E. Zimnis
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Suite 412
Trenton, New Jersey 08619
Attorney for Debtor

In re:
CONSTANCE HURTT

Debtor

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: Case No. 15-18866
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: Judge: Christine M. Gravelle
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: Chapter 13
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CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION TO

- ☐ CREDITOR'S MOTION or CERTIFICATION OF DEFAULT
☒ TRUSTEE'S MOTION OR CERTIFICATION OF DEFAULT

The debtor in the above-captioned Chapter 13 proceeding hereby objects to the following

(choose one)

1. ☐ Motion for Relief from Automatic Stay filed by _____, creditor,

A hearing has been scheduled for _____, at ____ m.

OR

X ☐ Motion to dismiss filed by the Standing Chapter 13 Trustee

A hearing has been scheduled for _____, at **9:00 a.m.**

☐ Certification of Default filed by _____, creditor,

I am requesting a hearing be scheduled on this matter.

OR

☐ Certification of Default filed by Standing Chapter 13 Trustee

I am requesting a hearing on this matter.

2. I am objecting to the above for the following reasons (**choose one**)

- ☐ Payments have been made in the amount of \$ _____, but have not been accounted for. Documentation in support is attached hereto
- ☐ Payments have not been made for the following reasons and debtor proposes repayment as follows (**explain your answer**) _____

2. ☒ Other (**explain your answer**) After a loan modification was offered and accepted, a modified plan was submitted and a confirmation date was scheduled. At confirmation, the modified plan was approved. However, the modified plan contained additional verbiage that was not discussed. It stated as follows: "Amended post petition order for Select Portfolio, pacer claim 13-1 must be filed by June 5, 2017". I have no idea what this even means and counsel for SPS also has no idea what it means. We were able to extrapolate that the trustee wants the order bearing docket number 36 modified but I don't how that can be inferred from the confirmation order. Even the motion to dismiss is vague as to what they are seeking. A motion to modify the motion will be filed.

3. This certification is being made in an effort to resolve the issues raised by **Albert Russo**, the trustee/movant in this motion.

4. I certify under penalty of perjury that the foregoing is true and correct.

Date: _____

/s/ Constance Hurtt

Debtor's Signature

Date: _____

/s/

Debtor's Signature

NOTE

1. This form must be filed with the court and served upon the standing Chapter 13 Trustee and creditor at least seven (7) days before the return date pursuant to D.N.J. LBR 9013-1 (d), if filed in opposition to a *Motion for Relief from the Automatic Stay or Trustee's Motion to dismiss*.
2. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor within ten (10) days of the filing of a *Creditor's Certification of Default* (under an order

resolving motion to vacate stay and /or dismiss with conditions) or a Trustee's Certification of Default.

If this form is not filed the Motion or Certification of Default will be deemed uncontested and no hearing will be scheduled